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DOI: 10.35117/A\_ENG\_17\_03\_02

**O.I.T.A.F. and CEOC as examples of international organizations and associations dealing with transportation by rope**

**Abstract:** The purpose of this article is an attempt of describing the fundamental problems associated with the nature of international non-governmental organizations. The paper analyses the definition of international organizations (governmental and non-governmental) functioning in public international law. The classification of international non-governmental organizations will be also presented, as well as the examples of the functioning of the two international organizations dealing with transportation by rope and safety of technical devices.

**Keywords:** International organizations; Non-governmental organizations; NGO; Transportation by rope; Technical inspection; Conformity assessment system; OITAF CEOC

**The concept of international organizations**

International organizations are associations of states or other natural and legal persons (operating within the internal legal systems of individual states) which are called for the fulfillment of specific objectives and tasks. These are institutions whose function can result either from public international law alone or from public or private law, depending on the statutes of those entities. International organizations, apart from countries, are the main participants in international relations.

The division of international organizations is of paramount importance. We distinguish international government organizations (interstate) and non-governmental organizations.

The Governmental Organization (GO) can be defined as a form of state co-operation, as set out in a multilateral international agreement, involving a relatively regular range of participants, the essential feature of which is the existence of permanent bodies with specific competencies and powers.<sup>1</sup>

On the other hand, international organizations of natural persons, legal entities, national authorities and other unincorporated associations, whose cooperation is based on domestic law institutions, rather than on an international agreement, are referred to as non-governmental organizations - NGO).<sup>2</sup>

In the field of public international law, both international and non-governmental organizations remain. However, since international government organizations are considered as institutions closely linked to public international law, as well as to the international political relations of states and as actors of international law, it is important to point out that

<sup>1</sup> W. Góralczyk, S. Sawicki, *Prawo międzynarodowe publiczne*, Wydawnictwo Prawnicze LexisNexis, Wyd. 11, Warszawa 2006, s. 290

<sup>2</sup> R. Bierzanek, J. Symonides, *op. cit.*, s. 285

part of the legal doctrine by international organizations. Only international government organizations, thus transferring international non-governmental organizations towards private law. However, the growing number of international non-governmental organizations and their growing importance in contemporary international relations, especially in their political and economic context, are increasingly becoming transnational in nature, as is the case with so-called. Transnational corporations (KTN), which, despite their domestic laws (civil and commercial law), have become transnational in nature because of the nature and scope of their activities.<sup>3</sup>

This article is an attempt at presenting the nature of international non-governmental organizations, based on the example of two organizations whose activities are closely related to the problem of rope transport. The organizations are the International Organization of Rope Transport (O.I.T.A.F.) and the International Confederation of Traces and Conformity Assessment Units (CEOC).<sup>4</sup>

The formation and development of international organizations are identified with the rapid changes that have taken place in the economy, technology, and society since the industrial revolution of the nineteenth century. Moreover, the twentieth century brought about a breakthrough in almost all areas of life, particularly in technology and communication. The industrial revolution of the 19th century and the digital revolution of the twentieth century have led to closer international relations and relations, both between states as well as between natural persons from different countries and continents. International organizations, both governmental and non-governmental, are instrumental in implementing national policies and interests. These organizations are also the plane on which they clash and shape, as a result of negotiations and mutual concessions, new directions of cooperation between states and subjects of domestic law.<sup>5</sup>

The term NGOs was first used in Article 71 of the Charter of the United Nations, which states that „*The Economic and Social Council may issue appropriate instructions for the consultation of non-governmental organizations which deal with matters falling within its competence.*” The definition of an international non-governmental organization was introduced by the United Nations Economic and Social Council in Resolution 288 / X of 27 February 1950, which stated that an NGO is an organization not governed by an international agreement. This definition as the so-called the negative definition only indicates organizations that can not be classified as non-governmental international organizations. To date, the single and comprehensive definition of an international non-governmental organization has not been developed in the legal language. As indicated in the doctrine, the status of a non-governmental organization is independent of the type of membership, which means that members of an international NGO can be both states, other international organizations as well as natural and legal persons of national law.<sup>6</sup>

There are a number of divisions and classifications of international organizations (both governmental and non-governmental). For the purposes of this article, it seems reasonable to

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<sup>3</sup> A. Zorska, *Korporacje transnarodowe – przemiany, oddziaływania, wyzwania* Polskie Wydawnictwo Ekonomiczne, Warszawa 2007, s. 20

<sup>4</sup> <http://www.ceoc.com>

<sup>5</sup> R. Bierzanek, J. Symonides, *op. cit.*, s. 300

<sup>6</sup> J. Menkes, A. Wasilkowski, *op. cit.*, s. 58

indicate the following criteria for the division of non-governmental international organizations:

- 1) relationships with an intergovernmental organization (NGOs affiliated and independent);
- 2) mode of operation (monitoring and publicizing information about the functioning of public institutions and conducting operational activities in which information is not publicized);
- 3) the scope of functions (general and sectoral);
- 4) the main addressee of the activity (conducting activities among members and conducting activities addressed to the addressee outside the organization);
- 5) membership criteria (universal, corporate and other);
- 6) aggregate criterion (universal, other and special).<sup>7</sup>

The classification criterion based on the aggregate approach refers to the classification used by the Yearbook from International Organizations.<sup>8</sup>

It should be noted that a very large number of international non-governmental organizations are linked to the United Nations system by having consultative status in the Economic and Social Council. This status was traditionally divided into so-called categories (categories I and II), which were dependent, among others from the number of members of the organization and from the contribution of the United Nations to the tasks of the United Nations, in the fields of culture, society, science, and human rights. Since 1996, after the adoption by the United Nations General Assembly of a resolution on relations between the United Nations and non-governmental organizations, categories of consultation status (categories I and II) have been changed to general and special consultative status. Non-governmental international organizations, which have consultative status, are also included in the register of non-governmental organizations recognized by the Economic and Social Council or the Secretary-General in consultation with the Economic and Social Council or its Non-Governmental Organizations Committee.<sup>9</sup>

The doctrine distinguishes four directions of international NGOs' influence on international relations and state policies, namely the promotion of human rights and peace, and the influence on the development of international law and international cooperation..<sup>10</sup>

### **International Organization For Transportation By Rope (O.I.T.A.F.)**

International Organization For Transportation By Rope (O.I.T.A.F. - *it. Organizzazione Internazionale Trasporti A Fune*) was founded in 1959. Its headquarters are in Rome, Italy. According to art. 1 point 1 of the Statute, this organization brings together state administrations, associations, institutions, companies, and persons interested in the technical, legal, administrative and economic problems of rope transport. The members of the organization are the Member States (authorities of the Member States) as well as the manufacturers and operators of cableways. The purpose of the organization is to promote the development and improvement of cable routing. Measures to implement the aforementioned.

<sup>7</sup> J. Menkes, A. Wasilkowski, op. cit., p. 72

<sup>8</sup> J. Menkes, A. Wasilkowski, op. cit., p. 72

<sup>9</sup> R. Bierzanek, J. Symonides, op. cit., p. 318

<sup>10</sup> R. Bierzanek, J. Symonides, op. cit., p. 300

The aim is to collect all documentation related to rope transport, in particular technical, legal, administrative and economic. In addition, O.I.T.A.F. aims at facilitating the exchange of information related to rope transport and the promotion of research and experimentation supporting the development of linear railways as well as the standardization of national railway line standards. The organization also deals with the provisions of the 6th congress of O.I.T.A.F.

The official languages of the organization are French, English, Italian, Spanish and German, and for the purposes of resolving interpretations of the Statute of the organization, the Italian text is binding. The organization has several membership categories. There is a distinction between corporate membership, individual membership, and honorary membership. Membership of the organization is subdivided into the following categories: Category A (public authorities responsible for the authorization of construction of cableways and their controls), Category B (national and international associations of cableway operators), Category C (national and international cable car manufacturer associations); Category D (control units authorized by public authorities, universities and public institutions that research in the field of cableways). Individual membership is divided into Category E (companies engaged in cable railway activities, i.e. planning, design, construction, operation, maintenance and supervision of cableway facilities and their equipment) and Category F (individuals involved in cableway activities). On the other hand, the honorable members are those who are particularly distinguished by their knowledge and experience in the field of rope transport. Honorary members are nominated by the Assembly. Member of O.I.T.A.F. Category A representing the Polish authorities is the Transport Technical Supervision, whose staff actively participate in the work of the organization.

O.I.T.A.F. has the following bodies: the General Assembly, the Management Committee, the Executive Committee, and the Auditors.).

The assembly consists of all members of the O.I.T.A.F., i.e., both organizations, individuals as well as honorary members. The Assembly is the supreme body of the organization, which sets the direction of O.I.T.A.F. The powers of the Assembly include, among others: approval of the Statute and its changes, selection of the members of the Supervisory Board, selection of auditors, approval of the balance sheet, approval of the budget for the next three years, the appointment of honorary members and decision on dissolution of the organization. Assembly of O.I.T.A.F. is convened every three years. Members of O.I.T.A.F. A third of all the votes in the organization may call for the Extraordinary Assembly. The assembly is convened by the President. O.I.T.A.F. has a rather specific system of division of the number of votes per member of the organization. Category A members have 25 votes, Category B members have 20 votes, Category C members have 20 votes, 5 votes Category D members, 2 votes E category members, 1 vote Category F members and 1 vote Honorary members.

The Divisional Committee consists of 6 members from Category A, 5 from Category B, 2 from Category C, 2 from Category D, 2 from Category E and 1 from Category F. In addition, the need for a uniform representation of the various scientific disciplines and countries participating in rope transport. It should also be mentioned that the members of the organization (both organizations and individual members, with the exception of honorary members) are obliged to pay contributions to O.I.T.A.F. The amount of contributions depends

on the membership category. The President of the Steering Committee is the President of the O.I.T.A.F. who is elected (with his two deputies - Vice Presidents) from among his members by the Executive Committee. The tasks of the Executive Committee include, among others decide on measures to ensure the standardization of national railway standards, to consider candidates for membership and to assign them to the appropriate membership category, the choice of the Secretary-General, the appointment of Work Committees, the date of the meeting and preparing the budget of the organization. The Delegation Committee meets at least once a year. Participation in the meetings of the Executive Committee is mandatory. A member of the Steering Committee who for no apparent reason is absent or unrepresented at two successive meetings loses his seat in the Committee.

The Executive Committee is elected by the Executive Committee for a three-year term. It consists of the President, Vice-Presidents, three members of the Regulatory Committee (one of Category A, B, and C) and the Secretary-General. It is the task of the Executive Committee to take all necessary measures to achieve the objectives of the organization and to supervise ongoing activities. Meetings of the Executive Committee are convened by the President or the Secretary-General.

Organ O.I.T.A.F. referred to as the Auditors, and actually, the Auditing Committee consists of three Auditors elected by the Assembly for a three-year term. The Assembly also selects additional auditors. The purpose of the Auditors is to ensure compliance with the provisions of the Statute of the organization and the financial control of the organization. Auditors for their work do not receive remuneration.

In addition, under O.I.T.A.F. so-called Working Groups. The Working Groups are appointed by the Steering Committee to implement the program and guidelines set by the Assembly. Working groups need not consist solely of members of O.I.T.A.F. Each Working Group is headed by the Chairman.

The organization was established for an unlimited time. Pursuant to the content of the Statute of O.I.T.A.F., at the request of three quarters of all members, the organization may be dissolved.

### **International Confederation of Inspection and Certification Organisations (CEOC)**

International Confederation of Inspection and Certification Organisations (*fr. Colloque Européen d'Organismes de Contrôle*) is an association (confederation) operating on the basis of Belgian law. The seat of CEOC is Brussels. The association brings together independent private and government organizations and associations of such organizations, working in the field of research, testing, inspection, certification, and in the area of Quality Management and Risk Analysis.

CEOC was founded in 1961 in Switzerland as the Confederacy. Since December 1996, CEOC operates as the Belgian International Non-Commercial Association (AISBL). Since 2003, the Permanent Member of the organization is Transport Technical Supervision.

CEOC aims to promote security through independent conformity assessment, representation of the common interests of members of the organization vis-à-vis the European Union (EU), European Free Trade Association (EFTA) and other intergovernmental organizations, and representation of the members' common interests with representatives of industry and their associations. conformity assessment organizations, consumers, and the

public. The CEOC does not act in the interest of individual members of the association but in the common interest of all its members. In addition, CEOC aims to develop co-operation between conformity assessment bodies within the European Union and Eastern European countries. CEOC's tasks include promoting safety through independent conformity assessment, removing barriers to trade within the European Union internal market, and implementing mutual recognition of inspections carried out by inspection bodies from different countries, sharing experiences and working with international organizations in the field of inspection, conformity assessment, standardization and Accreditation, representation of common interests of member organizations and participation in standardization work at European and international level.

The following types of membership in CEOC include: permanent, provisional, associate and observer). To become a member of CEOC you must, among others, be an independent body or a public authority, carry out conformity assessment activities, have adequate financial credibility, and employ staff to ensure compliance with the relevant standards of conformity assessment. Moreover, it is necessary to meet the criteria for having the status of a notified body, accreditation to carry out conformity assessment in accordance with the requirements of the ISO / IEC 17000 standard or the status of a public authority. Members of the organization are assigned a number of votes depending on the category, which results from the amount of premium that a member is obliged to pay to the organization.

CEOC members are recognized by the authorities of each country for the inspection and conformity assessment of technical devices such as pressure vessels, boilers, cranes, heating and electrical installations, medical devices as well as buildings, nuclear power plants, industrial plants and even toys. Among CEOC members can be identified, among others Austrian TÜV Österreich, Belgian AIB-Vincotte and Apragaz, French Apave Groupe and Institut de Soudure, Japanese Power Engineering and Inspection Corporation (JAPEIC), German Dekra Automobil GmbH Industrial Services and Verband der Technischen Überwachungs-Vereine e.V. - VDTÜV, Polish Office of Technical Inspection - UDT and Transport Technical Inspection - TDT, Swiss Schweizerischer Verein für Technische Inspektionen - SVTI and British Safety Assessment Federation - SAFed.

CEOC bodies are the General Assembly, the President, the Vice Presidents and the Board of Directors, the Secretary-General and the General Secretariat ( General Secretariat, Auditors, Treasurer, Commissions and the Arbitration Tribunal.

The General Assembly is made up of all members of the organization. Only permanent members have the right to vote. General Assembly meetings are held at least once a year at the CEOC headquarters. The powers of the General Assembly include, inter alia, appointing members of the Board of Directors, excluding the Secretary-General, appointing and dismissing the Commission, approving amendments to the CEOC Statute, approving the annual budget and excluding members from the CEOC. It is also worth noting that the unanimous decision of all permanent members of the General Assembly is required to solve the CEOC.

The Board of Directors manages the ongoing activities of CEOC. It consists of a President, two Vice-Presidents, a Treasurer and a maximum of nine other members, including the Secretary-General, who does not have a voting right. Board meetings are held at least once

a year. Her tasks include, among others presenting proposals for future CEOC policy on the General Assembly, implementation of the General Assembly decision, proposing the creation or dissolution of the Commission and preparation of the CEOC draft budget. The General Secretariat, the Treasurer, and the Auditors are the bodies controlling the administrative and financial aspects of CEOC.

CEOC pursues its goals and operates its statutory activities through various Technical Commissions and Working Groups, which work on Conformity Assessment and Quality Assurance (CC), Non-Destructive Examinations (CND), major and environmental threats ( Pressure Equipment, eg Boilers, Pressure Vessels, Pipework Systems, Gas Cylinders, Tanks, Transport of Dangerous Goods (CP), Machines, Lifts and Lifts Cranes - CML), Electrotechnology, including Medical Devices (CE) and Communication (COM).

It is also worth noting that the CEOC Arbitration Court is a conciliatory body and has exclusive competence in all disputes relating to membership of CEOC. The Court of Arbitration consists of three arbitrators. Two of them are indicated by the parties to the dispute. The third arbitrator (*sui generis* superarbitrator) is chosen by the arbitrators appointed by the parties to the dispute. The decisions of the Court of Arbitration are final.

### Summary

It should be noted that the ever-growing role of international NGOs and their specialization in very narrow technical fields means that these organizations are becoming increasingly important players in the international arena. These actors, through their own internal legal systems and within international political, economic and social relations, have transnational characteristics, starting with national laws. It seems that the further rapid development of technology and communication will lead to the need to harmonize the legal norms governing particular areas of life, including the aspects of the safety standards of the technical devices used, and the further development of international NGOs as actors of international political and economic relations and the remaining actors. in the interest of public international law.

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